

Attorney General's Legislative Initiatives

Criminal Justice

Expansion of DNA Testing Requirement, P.L. 2003, c.183 This law expands the pool of criminal offenders who must submit to DNA testing. Specifically, the law requires any person convicted of a first, second, third, or fourth degree offense — as well as anyone found not guilty of a crime by reason of insanity — to submit a biological sample for inclusion in the State's DNA data base. In addition, convicted offenders who are already in custody, on probation or under parole supervision must provide DNA samples. The expanded DNA program is funded by the imposition of a \$2 surcharge on all motor vehicle and traffic violations.

Bail Source Rule, P.L. 2003, c.213 This law clarifies the authority of the Court to reject cash bail, or other security, that is acquired by means of criminal and unlawful conduct, or from an improper source, and specifies the factors that may be examined in making that determination.

Identity Theft, P.L. 2003, c.184 This law made New Jersey's anti-identity-theft law among the nation's toughest. Specifically, the law removed the "presumption of non-incarceration" typically associated with third-degree crimes where identity theft is involved, thereby exposing anyone convicted of even a third-degree, identity-theft-related offense to possible jail time. The law also created a new, second-degree crime of using a false driver's license or other phony government credential to obtain a "legitimate" license (or other government document) that could verify identity. The law provides for payment of restitution to victims of identify theft, and removal — by order of the court — of all "bad credit" indicators assigned to identity theft victims.

Counterfeit Goods, P.L. 2004, c.150 This act enhances the power of the Attorney General to enforce civil remedies related to trademark violations, including the authority to seize and destroy counterfeit or "knock-off" clothing and other goods, for the purpose of deterring criminal street gang activities.

State Police /Homeland Security

Marine Police/Coast Guard Enforcement, P.L. 2004, c.82 This law authorizes State Marine Police to assist the United States Coast Guard in the enforcement of federal laws, rules and regulations in the safety and security zones established by the Coast Guard. It also provides a mechanism for the State Police to work in partnership with the Coast Guard to more effectively monitor and regulate waterborne activity that poses a potential hazard to national security.

Consumer Protection

New Jersey Do Not Call Law, P.L.2003, c.76 This law regulates telemarketing practices by requiring the maintenance of a statewide "Do-Not-Call List," and prohibiting the making of unsolicited sales calls to any consumer whose name appears on the list. In addition, the law prohibits the making of any unsolicited telemarketing sales calls to any consumers between the hours of 9p.m. and 8 a.m., and prohibits telemarketers from employing any methods that would undermine a telephone caller identification service.

Home Improvement Contractor's Registration Act, P.L.2004, c. 16 This law requires home improvement contractors to register with the Division of Consumer Affairs, and maintain general liability insurance, before they perform improvements. These requirements strengthen the State's ability to provide consumer protection and enforcement. In 2003, complaints concerning home improvements made up 14 percent of the total complaints received by the Division. The law implements a recommendation of the Division of Consumer Affairs' Elder Fraud Task Force Report.

Elections

Implementation of the Help America Vote Act, P.L.2004, c.88 This law implements portions of the federal "Help America Vote Act (HAVA) of 2002." HAVA authorized millions of dollars in federal aid to every state to fund the purchase of up-to-date, electronic voting systems, train poll workers, combat voter fraud, generate greater public awareness about registering to vote and voting, and conduct federal elections in a manner that ensure access to the polls by voters with disabilities.

Civil Rights

Housing Discrimination Amendments to Law Against Discrimination, P.L.2003, c.180 The amendments resulted in changes to the New Jersey Law Against Discrimination (LAD) as it pertains to housing discrimination. Specifically, the amendments were designed to render the provisions of the LAD "substantially equivalent" to those under the federal Fair Housing Act (FHA). These changes allowed the Division on Civil Rights to enter an agreement with the United States Department of Housing and Urban Development (HUD) to handle complaints under the FHA. This arrangement has increased the number of housing cases the Division investigates, and provides for the Division to receive compensation from HUD for its investigations.